

## **COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING**

### **SUBJECT: CLEST Revision of Regulations and Specifications**

**DESCRIPTION:** The proposed rules change “law enforcement unit” to “law enforcement agency” throughout. Other regulations are being changed so that they cite current law or regulation.

The changes made by Act 497 of 2017 are addressed in the proposed regulations and specifications. The Act provided for the Commission’s discretion in granting extensions of time to attend the academy. The Act granted the Director authority to temporarily suspend a law enforcement officer’s ability to serve as a law enforcement officer. The Act also incorporated administrative penalties related to violations of Commission rules.

Regulation 1034 is a new regulation designed to clean up and fully outline the decertification process. Many of the regulations in 1034 exist as they existed in prior regulations. It specifies that an officer may request a hearing within 20 days of the date of the notice, deferring to the Administrative Procedures Act for notification procedures. It incorporates the requirement that officers decertified from another state can only serve in this state at the discretion of the Commission. It states that hearings are to be conducted in accordance with the Administrative Procedures Act, and incorporates the subpoena power granted to the Commission in the 2017 session.

Regulation 1005 adds the stipulation that auxiliary, part-time II and specialized officers that have previously been certified as a full-time law enforcement officers and maintained the mandatory training requirements can return to full-time status without additional training. It also changes Full-time and Part-time I to “law enforcement officer.”

Regulation 1002 restricts law enforcement officers to one classification within an agency.

Regulation 1001 clarifies that a law enforcement officer is employed by a law enforcement agency, receives a salary, or is an appointed auxiliary.

Regulation 1010 adds the requirement for an officer to get a certificate for classification within 90 days after completing the probationary period. It also provides for the expiration of certification of any law enforcement officer that has not served as a law enforcement officer for three consecutive years.

Regulation 1028 clarifies that the canine certification is voluntary but must meet standards if chosen.

**PUBLIC COMMENT:** No public hearing was held. The public comment period expired on December 19, 2017. No public comments were submitted to the agency. The proposed effective date is pending legislative review and approval.

**FINANCIAL IMPACT:** There is no financial impact.

**LEGAL AUTHORIZATION:** The Arkansas Commission on Law Enforcement Standards and Training is authorized to promulgate rules for the administration of Ark. Code Ann. § 12-9-101 *et seq.* See Ark. Code Ann. § 12-9-104(1)(A). The commission may establish minimum selection and training standards for admission to employment as a law enforcement officer. See Ark. Code Ann. § 12-9-104(3)(A). Additionally, the commission is authorized to impose administrative penalties against a law enforcement agency or governmental entity for violations of commission rules as permitted under § 12-9-120. See Ark. Code Ann. § 12-9-104(18). Portions of these rules implement Act 497 of 2017, sponsored by Representative Dwight Tosh, concerning law enforcement officer standards and training.

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS  
WITH THE ARKANSAS LEGISLATIVE COUNCIL**

**DEPARTMENT/AGENCY**    Commission on Law Enforcement Standards and Training  
**DIVISION** \_\_\_\_\_  
**DIVISION DIRECTOR**    Jami Cook  
**CONTACT PERSON**        Brad King  
**ADDRESS**                    #4 State Police Plaza Drive, Little Rock, AR 72209  
**PHONE NO.**    (501) 682-2260    **FAX NO.**    (501) 682-1582    **E-MAIL**    brad.king@arkansas.gov  
**NAME OF PRESENTER AT COMMITTEE MEETING**    Jami Cook  
**PRESENTER E-MAIL**    jami.l.cook@arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201

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- 1. What is the short title of this rule?    CLEST Revision of Regulations and Specifications
  
- 2. What is the subject of the proposed rule?    CLEST Revision of Regulations and Specifications
  
- 3. Is this rule required to comply with a federal statute, rule, or regulation?    Yes             No   
If yes, please provide the federal rule, regulation, and/or statute citation.    \_\_\_\_\_
  
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?  
Yes             No   
If yes, what is the effective date of the emergency rule?    N/A  
  
When does the emergency rule expire?    N/A  
  
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?  
Yes             No

5. Is this a new rule? Yes  No   
If yes, please provide a brief summary explaining the regulation. \_\_\_\_\_

Does this repeal an existing rule? Yes  No   
If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. \_\_\_\_\_

Is this an amendment to an existing rule? Yes  No   
If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."** See Attached Summary and Mark-up

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Arkansas Code Annotated 12-9-104

7. What is the purpose of this proposed rule? Why is it necessary? To comply with Act 497 of 2017

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.CLEST.org

9. Will a public hearing be held on this proposed rule? Yes  No   
If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)  
TBD

11. What is the proposed effective date of this proposed rule? (Must provide a date.)  
TBD

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. N/A

13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e). N/A

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known. Unknown

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Commission on Law Enforcement Standards and Training

**DIVISION** \_\_\_\_\_

**PERSON COMPLETING THIS STATEMENT** Brad King

**TELEPHONE** (501) 682-2260 **FAX** (501) 682-1582 **EMAIL:** brad.king@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** CLEST Revision of Regulations and Specifications

1. Does this proposed, amended, or repealed rule have a financial impact?      Yes       No
  
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?      Yes       No
  
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered?      Yes       No

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;  
N/A

(b) The reason for adoption of the more costly rule;  
N/A

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;  
N/A

(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.  
N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following: N/A

(a) What is the cost to implement the federal rule or regulation?

<b><u>Current Fiscal Year</u></b>		<b><u>Next Fiscal Year</u></b>	
General Revenue	_____	General Revenue	_____
Federal Funds	_____	Federal Funds	_____
Cash Funds	_____	Cash Funds	_____
Special Revenue	_____	Special Revenue	_____
Other (Identify)	_____	Other (Identify)	_____
<b>Total</b>	<b>\$0</b>	<b>Total</b>	<b>\$0</b>

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total                    \$0 \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total                    \$0 \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$    \$0 \_\_\_\_\_

**Next Fiscal Year**

\$    \$0 \_\_\_\_\_

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$    \$0 \_\_\_\_\_

**Next Fiscal Year**

\$    \$0 \_\_\_\_\_

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes       No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



GOVERNOR  
**Asa Hutchinson**

## STATE OF ARKANSAS

### Commission On Law Enforcement Standards and Training

LAW ENFORCEMENT TRAINING ACADEMY  
P.O. Box 3106  
East Camden, Arkansas 71711  
(870) 574-1810 FAX: (870) 574-2706

OFFICE OF LAW ENFORCEMENT STANDARDS  
#4 State Police Plaza Drive  
Little Rock, AR 72209  
(501) 682-2260 FAX: (501) 682-1582



DIRECTOR  
**Jami Cook**

#### Rule Change Summary

The proposed rules change “law enforcement unit” to “law enforcement agency.” Other regulations are being changed so that they cite current law or regulation.

The changes to state law made in the 2017 session in Act 497 are addressed in the proposed regulations and specifications. The Act provided for the Commission’s discretion in granting extensions of time to attend the academy. The Act granted the Director authority to temporarily suspend a law enforcement officer’s ability to serve as a law enforcement officer. The Act also incorporated administrative penalties related to violations of Commission rules.

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